

CHAPTER 1191
DELINQUENT SUPPORT CASES
H.F. 2060

AN ACT relating to assignments of income in delinquent support cases and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 252D.1, subsection 3, Code Supplement 1985, is amended to read as follows:

3. If support payments ordered under section 252A.6, subsection 12, section 598.21, or section 675.25, or under a comparable statute of a foreign jurisdiction, as certified to the child support recovery unit established in section 252B.2, are not paid to the clerk of the district court pursuant to section 598.22 and become delinquent in an amount equal to the payment for one month, the clerk of upon application of a person entitled to receive the support payments, the child support recovery unit or the district court or the child support recovery unit may enter an ex parte order notifying the person, whose income is to be assigned, of the delinquent amount, of the amount of income or wages to be withheld, and of the procedure to file a motion to quash the order of assignment, and shall order an assignment of income and notify an employer, trustee, or other payor by certified mail of the order of the assignment of income requiring the withholding of specified sums to be deducted from the delinquent person's periodic earnings, trust income, or other income sufficient to pay the support obligation and, except for trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, requiring the payment of such sums to the clerk of the district court. For trusts governed by the federal Retirement Equity Act of 1984, Pub. L. No. 98-397, the assignment of income shall require the payment of such sums to the alternate payee. The assignment of income is binding on an existing or future employer, trustee, or other payor ten days after the receipt of the order by certified mail. The amount of an assignment of income shall not exceed the amount specified in 15 U.S.C. §1673(b). The assignment of income has priority over a garnishment or an assignment for a purpose other than the support of the dependents in the court order being enforced. The clerk of the child support recovery unit or the district court or the child support recovery unit, upon the application of any party, by ex parte order, may modify the assignment of income on the full payment of the delinquency or in an instance where the amount being withheld exceeds the amount specified in 15 U.S.C. §1673(b), or may revoke the assignment of income upon the termination of parental rights, emancipation, death or majority of the child, or upon a change of custody.

Sec. 2. Section 252D.2, subsection 1, Code 1985, is amended to read as follows:

1. A petitioner under section 252D.1, subsection 3 may move to quash the order of assignment at any time by asserting that the delinquency did not occur or has been paid. A person whose income has been assigned under section 252D.1 may move to quash the order of assignment by filing the motion to quash and notice of the motion to quash with the court within ten days after the employer, trustee, or other payor delivers a copy of the order of assignment to the person under section 252D.4, subsection 1 entering of the court order of assignment under section 252D.1, subsection 3 or at any time upon a showing of a mistake of fact relating to the delinquency. The clerk of the district court shall schedule a hearing on the motion to quash for a time not later than seven days after the filing of the motion to quash and the notice of the motion to quash. The clerk shall mail to the parties copies of the motion to quash, the notice of the motion to quash, and the order scheduling the hearing.

Sec. 3. NEW SECTION. 252D.6 PENALTY FOR MISREPRESENTATION.

A person who knowingly makes a false statement or representation of a material fact or knowingly fails to disclose a material fact in order to secure an assignment of income against another person and to receive support payments or additional support payments pursuant to this chapter, is guilty, upon conviction, of a serious misdemeanor.

Approved May 15, 1986

CHAPTER 1192

EARLY RETIREMENT PROGRAM FOR PUBLIC EMPLOYEES

S.F. 2242

AN ACT to establish incentives to encourage certain state and local government employees to retire or terminate employment by receiving monetary and insurance payment incentives and to provide that the Act takes effect upon its publication.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. STATE EMPLOYEE RETIREMENT INCENTIVES. A state employee who will be at least sixty-two years of age by October 31, 1986 and has at least five years of continuous state employment, and sends written notification to the merit employment department, or successor agency, at any time between the effective date of this Act and July 31, 1986, of intent to retire from state employment not later than October 31, 1986, is eligible to receive retirement incentives. The merit employment department, or successor agency, shall coordinate and administer the program established in this section.

If the state employee is less than sixty-five years of age when the state employee retires, the state employee is eligible to receive one of the following:

1. A retirement bonus which is a lump sum payment equal to ten percent of the final annual salary of the employee, not to exceed five thousand dollars. The retirement bonus shall be paid from funds appropriated to the employee's department, agency, or commission for salaries, support, maintenance, and miscellaneous purposes. However, at the written request of the director of a department, agency, or commission that the director believes that the appropriations to the department, agency, or commission are insufficient to pay the retirement bonus, the governor may authorize payment from the salary adjustment fund. Section 8.39 does not apply to payments made from the salary adjustment fund under this subsection.

2. Enrollment in the retiring employee insurance incentive payment program until the employee reaches sixty-five years of age. The program includes all of the following:

a. Continuation of participation in the life insurance program to which the state makes contributions under the program in which the employee participated on the effective date of this Act with continuation of state payments at the rate paid for full-time state employees plus the addition of state payments to replace the contributions which would otherwise have been made by the employee if the employee had remained in the program and had not retired.

b. Continuation of participation in the health or medical insurance program to which the state makes contributions and the dental insurance program to which the state makes contributions under the programs in which the employee participated on the effective date of this Act with continuation of state payments at the rate paid for full-time state employees plus the addition of state payments to replace the contributions which would otherwise have been made by the employee if the employee had remained in the program and had not retired. The cost of payments under this subsection shall be made from funds appropriated to the salary adjustment fund. The employee's department, agency, or commission shall reimburse the salary adjustment fund annually from the appropriate departmental, revolving, trust, or special fund